IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.84 OF 1999

IN

NOTICE OF MOTION NO.3208 OF 1996

IN

SUIT NO.4118 OF 1996

...

Colgate-Palmolive Co.
and anr. ...Appellants

v/s.

Anchor Health and Beauty Care
Private Limited ...Respondent

...

Dr.Virendra Tulzapurkar Sr.Counsel with Mr.Rahul Chitnis i/b Bharat Shah & Co. for the Appellants.

Mr.Ravi Kadam, Sr.Counsel with Ms.S.John i/b M.P.Savla & Co. for the Respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

Heard the learned Counsel for both sides. Considering that the suit is of the year 1996 and that there is no temporary injunction operating, as the learned single Judge declined to pass an order of temporary injunction in the suit for infringement and passing off in the year 1998 and that the suit itself is now ripe for hearing and also considering the statement made by the learned Counsel for the Plaintiff that during the pendency of the suit, the Defendant has changed the colour scheme of the carton in relation to which the suit has been filed in the Delhi High Court, in our opinion, though the correctness of the statement is disputed by the Defendant, following order would meet the ends of justice.

O R D E R

(i) Appeal disposed of.

(ii) The learned single Judge taking up the suit for final disposal is requested to hear the suit as expeditiously as possible.

(iii) It is needless to say that the observations made in the order impugned in the Appeal have been made by the learned single Judge only for the purpose of disposing of the Notice of Motion for interim relief and they would not be relevant for final disposal of the suit.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)